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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,091	06/20/2003	David W. Gohl	163.1769US01	9151

23552 7590 01/17/2007  
MERCHANT & GOULD PC  
P.O. BOX 2903  
MINNEAPOLIS, MN 55402-0903

EXAMINER
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DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

10/600,091

**Applicant(s)**

GOHL ET AL.

**Examiner**

Lorna M. Douyon

**Art Unit**

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 30-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

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1. This action is responsive to the amendment filed on October 27, 2006.
2. Claims 30-36 are pending.
3. The rejection of claims 30-36 under 35 U.S.C. 112, first paragraph is withdrawn in view of Applicants' arguments.
4. The rejection of claims 30-36 under 35 U.S.C. 103(a) as being unpatentable over Noyes et al. (US Patent No. 6,828,292) is withdrawn in view of Applicants' amendment and arguments therein.
5. The terminal disclaimer filed on October 27, 2006 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,897,188 has been reviewed and is accepted. The terminal disclaimer has been recorded.

#### ***Specification***

6. The disclosure is objected to because of the following informalities: Please provide the missing Serial No. **on page 17, line 11** and please include the publication number. It is also suggested that the Application recited on **page 6, line 5** be updated as to its publication number.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 30, 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Claims 30, 33-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Gohl et al. (US Patent No. 6,897,188), hereinafter "Gohl".

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Gohl teaches a method for washing textiles which includes a step of washing textiles with a first use solution during a break step in a textile washing machine, draining at least a portion of the first use solution from the textiles, and washing the textiles with a second use solution during a suds step, and the first use solution and the second use solution can individually be obtained by diluting the liquid conditioner

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concentrate with water (see col. 3, lines 25-38). In most applications, it is expected that the concentrate will be diluted with water at a weight ratio range of liquid concentrate to water of between about 1:1 (equivalent to 50% concentrate) and about 1:10, and more preferably between about 1:4 and about 1:5, to provide a concentrate that can sufficiently flow through washing machine dispensing equipment, and once the diluted concentrate is introduced into the washing machine, it is expected that it will be further diluted with water at a weight ratio of diluted concentrate to water of between about 1:100 and about 1:2000 (see col. 4, lines 50-61). The liquid conditioner concentrate includes about 1 wt. % to about 40 wt. % of a combination of anionic surfactant component and nonionic surfactant component, about 5 wt. % to about 60 wt. % of a water conditioning agent, about 0.1 wt. % to about 10 wt. % low temperature stabilizing agent, and about 40 wt. % to about 95 wt. % water (see col. 2, lines 10-16). The liquid concentrate can additionally include cationic surfactants (see col. 3, lines 15-18), which are considered as both antimicrobial and finishing components. Gohl teaches the limitations of the instant claims. Hence, Gohl anticipates the claims.

9. Claims 30, 33-36 are rejected under 35 U.S.C. 102(a) as being anticipated by Gohl et al. (US 2003/0064905), hereinafter "Gohl '905".

Gohl '905 teaches a method for washing textiles which includes a step of washing textiles with a first use solution during a break step in a textile washing machine, draining at least a portion of the first use solution from the textiles, and washing the textiles with a second use solution during a suds step, and the first use

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solution and the second use solution can individually be obtained by diluting the liquid conditioner concentrate with water (see paragraph 0014 on page 2). In most applications, it is expected that the concentrate will be diluted with water at a weight ratio range of liquid concentrate to water of between about 1:1 (equivalent to 50% concentrate) and about 1:10, and more preferably between about 1:4 and about 1:5, to provide a concentrate that can sufficiently flow through washing machine dispensing equipment, and once the diluted concentrate is introduced into the washing machine, it is expected that it will be further diluted with water at a weight ratio of diluted concentrate to water of between about 1:100 and about 1:2000 (see paragraph 0019 on pages 2-3). The liquid conditioner concentrate includes about 1 wt. % to about 40 wt. % of a combination of anionic surfactant component and nonionic surfactant component, about 5 wt. % to about 60 wt. % of a water conditioning agent, about 0.1 wt. % to about 10 wt. % low temperature stabilizing agent, and about 40 wt. % to about 95 wt. % water (see paragraph 0007 on page 1). The liquid concentrate can additionally include cationic surfactants (see paragraph 0012 on page 2), which are considered as both antimicrobial and finishing components. Gohl '905 teaches the limitations of the instant claims. Hence, Gohl '905 anticipates the claims.

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gohl or Gohl '905 as applied to the above claims, and further in view of Farrington et al. (US Patent No. 5,219,370), hereinafter "Farrington".

Gohl or Gohl '905 teaches the features as described above. Gohl or Gohl '905, however, fails to disclose treating or washing laundry in a wash wheel of horizontal axis washer; and the step of contacting by spraying.

Farrington teaches a method of washing fabric in a horizontal axis clothes washer (see col. 1, lines 6-9) which uses less energy and water (see col. 1, lines 10-13; line 62 to col. 2, line 1), which comprises the steps of rotating the washer chamber about its horizontal axis with fabric; directing a recirculating spray of concentrated detergent solution onto said fabric for a first period of time; diluting said concentrated detergent solution to a lesser detergent concentration level; directing a recirculating spray of said lesser concentrated detergent solution onto fabric for a second period of time; and draining said lesser concentrated detergent solution from said wash chamber (see claim 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to perform the method of Gohl or Gohl '905 in a horizontal axis washer which includes spraying of the concentrated detergent solution onto the fabric because it is shown by Farrington that said steps provide the use of less energy.

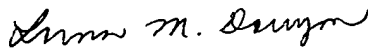
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**Conclusion**

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is 571-272-1313. The examiner can normally be reached on Mondays-Fridays 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on 571-272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Lorna M. Douyon  
Primary Examiner  
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